HONOURABLE SRI JUSTICE D.S.R.VARMA
AND
HONOURABLE SRI JUSTICE P.SWAROOP REDDY

TAKEN UP WRIT PETITION NO.20799 OF 2006

Dated:09.10.2006

Kothuri Koteshwara Rao

…Petitioner

The Station House Officer,
Crime Police, Kankipadu Police
Station, Krishna District
and another.

…Respondents

HONOURABLE SRI JUSTICE D.S.R.VARMA
AND
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ORAL ORDER: **(per the HON'BLE SRI JUSTICE D.S.R.VARMA)**

Heard the learned Government Pleader for Home, representing the learned Advocate General, appearing for the respondents.

2. This writ petition is taken up on the basis of a fax

message, dated 25.09.2006, sent to the Hon'ble the Chief Justice, High Court of Andhra Pradesh, by one Kothuri Koteshwara Rao, Resident of Kankipadu Village, Krishna District, alleging that in the early morning of 18.09.2006, the Police Personnel of Kankipadu Police Station have illegally arrested his son by name K.Prasad.

3. Upon notice being issued by this Court, the first respondent-Sub-Inspector of Police, Kankipadu Police Station, Vijayawada City, Krishna District, filed counter-affidavit stating, *inter alia*, that the alleged detenu was involved in Crime No.65 of 2005 of Machavaram Police Station registered for the offence punishable under Section-379 I.P.C. and also in Crime No.105 of 2005 of Governorpet Police Station registered for the offence punishable under Section-379 I.P.C. and that after complying with the formalities of arrest, the alleged detenu was produced before the I Metropolitan Magistrate, Vijayawada, and was subsequently released on bail. When the alleged detenu was again apprehended in connection with Crime No.65 of 2005 and was produced before the I Additional Chief Metropolitan Magistrate, Vijayawada, on 06.10.2006, he was remanded to judicial custody and is lodged at Central Prison, Rajahmundry, as of date.

4. In view of the aforesaid facts of the case, we are of the view that there is no truth in the averments made by the petitioner in his fax message, and as such the writ petition is liable to be closed.

5. Accordingly, the writ petition is closed, at the stage of admission.

D.S.R.VARMA, J

09.10.2006
DR/KRK

P.SWAROOP REDDY, J